



STATE EMERGENCY RESPONSE COMMISSION MEETING

California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655
October 31, 2013 1:30 pm
Multipurpose Room 1 & 2

Member's Present

Mike Dayton - California Governor's Office of Emergency Services (Cal OES), Chairman Designee
Patrick Kemp – Natural Resources Agency, Assistant Secretary
Rita Borgman – California Department of Food and Agriculture (CDFA), Emergency Management Coordinator
James Goldstene – Business, Consumer Services, and Housing Agency (BCSH), Undersecretary
Elise Rothschild – Certified Unified Program Agency (CUPA) Forum Board, Chairperson
Mike Wilson - Department of Industrial Relations (DIR), Director
James Bohon – Environmental Protection Agency, Assistant Secretary
Rick Kreutzer – Health and Human Services Agency (HHS)/California Department of Public Health, Chief
Randy Alva - Local Emergency Planning Committee Region (LEPC) I, Chairperson
Dave Dearborn - Local Emergency Planning Committee Region II, Chairperson
William Fuller - Local Emergency Planning Committee Region III, Chairperson
Michael Parissi - Local Emergency Planning Committee Region IV, Chairperson
Curtis Brundage - Local Emergency Planning Committee Region VI, Representative

Agenda – Exhibit 1

Call to Order, Welcome, Introductions

- Mike Dayton, Chairman Designee (Cal OES)
- Called Meeting to Order at 1:36pm
- After approving the minutes they went around the room and had everyone introduce themselves

Approval of June 27, 2013 Minutes - Exhibit 2

ACTION ITEM – Minutes Approved

SERC Membership

- Chair Dayton discussed the Governor's Executive Orders (EO) D-63-87 (Exhibit 4) and W-40-93 (Exhibit 5)
- Chair Dayton hoped that everyone reviewed the EOs

- Opened the floor for discussion on membership
- Rita Borgman (CDFA) wanted to know what the State Emergency Response Commission (SERC) workload is going to be
- Chair Dayton asked the question “does the membership need to be changed?” Shall the SERC re-craft the EO?
- James Goldstene (BCSH) and Rita Borgman (CDFA) asked what “was the original intent” of the SERC membership
- James Bohon (Cal EPA) provided a SERC history of the past and current membership. Years past SERC more broader than today
- Consideration of current State Organization (Exhibit 6)
- Chair Dayton asked for some additional clarification to Brian Abeel (Cal OES HazMat) on the SERC EO W-40-93. Brian Abeel provided an overview of the SERC/LEPC intent, memberships by law, and responsibilities (Exhibit 3A and 3B)
- Chair Dayton asked the LEPCs to give their view on what is missing and needs to be done at the SERC
 - LEPC III - Chair Fuller explained the direction, priorities, needs, and focus for LEPC III. Region III covers 13 counties consisting of small agencies and 3 hazmat teams. Work in coordination with Cal OES and Cal OES California State Training Institute (CSTI). Funding and training not always available. Need to know the direction from SERC. Collaboration with other LEPC Regions twice a year; Continuing Challenge Workshop and CUPA Conference. Started to meet and work together due to lack of funding for training. Every LEPC has differing priorities in general
 - LEPC IV – Chair Parissi also discussed training and funding for training are major issues and always a challenge for his LEPC. Region IV consists of rural and urban areas; wide differences for training. Rural areas do not have much HazMat situations. Cal OES support good but needed at a much higher level
 - LEPC I - Chair Avila added that the EO needs to be updated to reflect the current State’s Administration and change some of the nomenclature so it’s broader; include 1 agency that oversees several that have some hazmat responsibilities like Transportation Agency that includes Cal Trans and CHP. Need greater depth of SERC involvement in training and mitigation of emergency assets and addressing regional commitments from LEPCs to expand on their training. Need more dynamics from SERC and commitment from Governor’s office
 - LEPC I & VI – Chair Avila and Chair Brundage expressed their vision for training and how the SERC could assist the LEPCs with training and oversee training held within their Regions. Need training in regions. Sources for funding are drying up like the Homeland Security grants
 - LEPC II – Chair Dearborn concurred with the LEPCs need for training. Region II primarily a forum for emergency responders. Share training with other agencies to meet their training needs

- LEPC I – Chair Avila said that CSTI training is not the only training and they need to have other training available. Other facets of training need to look into
- Rick Kreutzer (HHSA) asked what the amount of money is historically and the condition of the funding. Neverley Shoemake (Cal OES HazMat) discussed the Hazardous Material Emergency Preparedness (HMEP) Grant funding that is available to fund HazMat planning and training. Cal OES HazMat administers the grant overall for the state. CSTI administers the training award, which was approximately 1.1 million dollars last year (federal fiscal year 2012-2013) and 1 million dollars this year (federal fiscal year 2013-2014). She will provide more information during her presentation later. LEPC I Chair Bill Fuller stated sending someone outside the region for training results in high overtime and backfilling costs. HMEP grant funding does not cover these costs. Training someone within the region keeps these costs low
- Chair Dayton summarized the training discussion and then directed the members to the Strategic Plan (Exhibit 7) for focus on what the SERC will be able to provide
- James Bohon (Cal EPA) – there are a number of parallel structures in the state that overlap with SERC, with dual work going on in several areas. 10 years after the creation of the State’s Emergency Planning and Community Right-to-Know (EPCRA) program the Unified Program was created. Consists of 83 CUPAs. Implementation of HazMat disclosure information. One major difference between State’s EPCRA program and the Unified Program is funding. The LEPCs are fully volunteer base, so therefore training money so important. Unified Program is local fee driven by mandate, well funded and structured. Response resources reside with the CUPAs. Over 700 employees. Well trained. Other structures (1) Emergency Function (EF) 10 – Hazardous Materials and (2) their own internal structure at Cal EPA with Emergency Response Management Committee (ERMaC). The agencies within EF-10 are the response agencies for hazardous materials and meet on a regular basis. ERMaC meets on a regular basis and forms task forces when necessary to address specific HazMat incident needs. Some EF-10 members are also SERC members. EF-10 and ERMaC already meet and deal with HazMat; SERC may be a redundancy. State Agency SERC members here today not a part of EF-10 or ERMaC are HHSA, DIR, and BCSH
- James Goldstene (BCSH) - we need to ask ourselves what is it about SERC to make it successful in terms of outcomes/results. Does it need to be only HazMat or broader?
- James Bohon (Cal EPA) – Cal OES and Cal EPA resources meet the original intent of EPCRA. Another parallel structure is the State’s Disaster Council that deals with all types of disasters for emergency response planning
- Chair Dayton said that he would take this information back to Director Ghilarducci (SERC Chair and Cal OES Director) and look at the differences and make a recommendation
- Rick Kreutzer (HHSA) - What are the gaps not filled by these other structures? Are the structures in place duplicative or not of what the SERC does or is required to do? Are resources limited? Are the structures in place truly parallel? Some cities have fully operating fire departments where other areas like the rural fire departments are volunteers. They all play a very important role with varying levels of resources to mobilize. Is it this structure in place that fits into places that have limited resources and still serve the support function or is it completely duplicative?

- James Bohon (Cal EPA) believes duplicative. There are 83 CUPAs covering every jurisdiction in the state. All rural areas with volunteer fire departments have a CUPA. Every CUPA is required by law to have an area plan for hazardous material emergency response, which Cal EPA reviews every three years. The area plan is for the entire jurisdiction, city or county, covering how it will respond to a hazardous material incident. Rural areas are mostly county CUPAs. Rural areas typically have funding struggles. CUPAs have decent relationships with most responding agencies in their jurisdictions. Could be better. Need more exercises for them to train together; and money to support such. The CUPA programs have funds for training and mutual aid relationships.
- Elise Rothschild (CUPA Forum Board) also discussed the various training with the LEPCs. Some Fire Departments are CUPAs. LEPCs offer HazMat training to Fire Departments. Majority of CUPAs are county Environmental Health/Management. The CUPAs typically have agreements with Fire Departments to suit-up and respond to HazMat incidents. CUPAs are part of and support the Incident Command but they don't suit up. LEPCs get, supply and provide the training to the Fire Department HazMat Teams who respond to the HazMat incidents so the HazMat teams are typed and can respond when needed. The CUPAs write the area plans and work with the local Fire Departments in responding
- Trevor Anderson (Cal OES/HazMat) - Difference between the SERC/LEPCs and CUPAs. CUPAs have an enforcement role and collect fees. The LEPCs do not. The LEPCs are required to have the public and businesses involved in their activities while the CUPAs are not. They are parallel but not the same. A number of the LEPC Chairs are CUPAs and serve dual duties
- James Bohon (Cal EPA) – To determine the composition and role of SERC, the SERC needs to decide on what it is doing
- Brian Abeel (Cal OES/HazMat) provided an overview of the Strategic Plan for the SERC and the need for membership participation. Brian Abeel stated that Cal OES provides the logistical support from liaison activities, HMEP grant program, and CSTI support for the SERC to the LEPCs. Brian Abeel provided an overview of the support. Brian Abeel referred the members to Exhibit 3A that contains the EPCRA law listing the SERC responsibilities. Based on the current California government structure all the responsibilities except two are being met. Those two are the (1) supervision and coordination of the LEPCs activities, and (2) review each LEPC's emergency response plan and make recommendations to each on revisions of the plan. The SERC was created by the federal government to support the LEPCs from review of area plans/regional plans to training support and everything in between
- Chair Dayton asked for a crosswalk in the Strategic Plan of the differences and similarities between the LEPCs/EF-10/Cal EPA/CUPAs so that everyone is clear on what the SERC needs to provide. What are the threats and capabilities? Do not want to duplicate what else is going on in the state. Brian Abeel (Cal OES HazMat) said that needs to be done by a SERC sub-committee and provided some further discussion with the help of Chief Campbell (Cal OES HazMat) on the draft SERC Strategic Plan, Charter (Exhibit 9) and Mission Statement and the need for feedback from the SERC Members and not the Cal OES HazMat Section. The Charter and Mission Statement were developed and based off of the SERC (Exhibit 8) and LEPC (Exhibit 10) Mission

Statements approved in 2002 by the SERC. Chief Zagaris, Cal OES Fire and Rescue stated that Cal OES HazMat would be more than happy to provide the SERC with this crosswalk but we need to have this working group take a look and see what responsibilities they have and bring to the table

ACTION ITEM – A crosswalk of the differences and similarities between the LEPCs/EF-10/Cal EPA/CUPAs needs to be prepared by Cal OES Hazmat and provided to the SERC members at the next meeting so that everyone is clear on what the SERC needs to provide.

LEPC Membership Approval – Exhibit 11

- Chair Dayton opened up the LEPC membership approval discussion. Rita Boardman (CDFA) asked a question on what does the LEPCs provide. LEPC I Chair Avila and LEPC Chair IV Fuller each discussed their individual LEPC memberships, provided a snapshot of their roles and responsibilities, and the logistical and directional support they need. Support needed to provide minutes, regional plan development and revision. Wonder how all emergency plans relate to each other. No mechanism in place to ensure the emergency plans are related with each other. What are the state's strategic training needs and where should the training be provided? Need to know what the SERC wants the LEPCs to do and then provide the LEPCs the resources to do it. Strategic plan should determine standardization from one LEPC Region to another
- Chief Zagaris (Cal OES Fire and Rescue) discussed that the SERC needs to provide direction and guidance to the LEPCs for emergency response planning and how they should inter-relate to the various local, area, regional and state plans. Every plan should interconnect and be built upon each other from the local level up to the state level plan. Determine what the state and regional local training needs are and how to provide that so the needs are met
- A question was asked on what action needs to be taken by the SERC today on the LEPC membership. This can be tabled to the next meeting

ACTION ITEM – No action determined on this item. Topic of discussion reversed back to the SERC Membership. Chair Dayton requested that at the next meeting clarity on the SERC/LEPCs be provided and Cal OES staff provide a recommendation on what action to take.

Legal Counsel – Exhibits 12 and 13

- Catherine Bernstein (Cal OES Chief Legal Counsel) and Alex Pal (Cal OES Legal Counsel)
- Alex Pal provided an overview of the Bagely-Keene Open Meeting Act and specifically the teleconference provisions. Alex Pal discussed what a meeting entails which includes: the content, the timeframe, notice requirements, public location, access, and public comment, no secret ballots, no proxy votes, and closed meeting requirements. Alex Pal then discussed the specific teleconferencing rules and requirements.
- Alex Pal then discussed the liability issues and responsibilities for EPCRA & SERC/LEPC. As a member of the SERC/LEPC you are supported by the Attorney General's Office and as long as you follow the Bagely-Keene Open Meeting Act requirements you will be supported by the law. Three acts provide protection for public servants who sit on committees and boards such as the SERC. They are the California Torts Claims Act, the Emergency Services Act and Common Law.

For specific details on these acts and discussion please refer to Alex Pal's presentation. Some general discussion and questions for Alex Pal ensued.

Hazardous Materials Emergency Preparedness (HMEP) Grant – Exhibit 14

- Neverley Shoemake (Cal OES HazMat)
- Neverley Shoemake provided an overview of the HMEP Grant for the State of California. Neverley Shoemake provided the status of the 2012/13 HMEP Grant including the Commodity Flow Map Project, the Sub-grant Plans and the completed and un-funded training. Brian Abeel (Cal OES HazMat) provided a detailed review of the Commodity Flow Map project and the weblink. Neverley Shoemake then provided an updated status of the 2013/14 Grant including the impact of the federal shut-down, the National Association of SARA Title III Program Officials (NASTIPO) meeting, the Sub-grant planning activities and the current funded and un-funded training. Finally, Neverley Shoemake gave an update on future HMEP Grant projects which included the expectations for funding, an increase in awareness of planning funding, and increase in LEPC participation, a joint California/Arizona exercise, State Level Commodity Flow Studies, and an adjustment to the LEPC training survey. Some general discussion and questions for Neverley Shoemake ensued regarding other funding sources for the SERC/LEPC.

High Speed Rail Project – Exhibit 15

- Jon Tapping, and John Cockle (California High-Speed Train System)
- Jon Tapping provided an overview of the California High-Speed Train System. In the beginning, the rail system will run from Madera to Fresno and can reach speeds up to 220mph. The entire system will be approximately 800+ miles in length. For specific details please see Jon Tapping's presentation.

Old Business – Exhibit 16

- No overview status on actions items conducted

ACTION ITEM – Chair Dayton looking forward to Cal OES HazMat staff providing the goals and the purpose of the SERC/LEPCs and providing a recommendation on the membership

New Business

- Elise Rothschild (CUPA Forum Board) - As of Jan 1, 2013, businesses are required to electronically submit Hazardous Materials Business Plans (HMBP) through the CUPA portal or the statewide California Environmental Reporting System (CERS). CUPAs are required to give the HMBP information to responding agencies within two weeks of receiving this information. CERS is not able to be an emergency response informational system. CUPA Forum Board is looking at what can be done so that information goes out to all the emergency response agencies. One avenue is ePlan which fire agencies are familiar with. Suggest talking about this topic at the next SERC meeting on what is the appropriate avenue for getting the required information to the

emergency response agencies. Chair Dayton agreed to have this as an agenda item for the next meeting

Public Comment Period

- Mike Ardito (United States Environmental Protection Agency (US EPA)) – US EPA Update is Exhibit 18 - Breaking news about the Presidential Executive Order Improving Chemical Facility Safety and Security - Starting next week until January 2014 there will be seven public listening sessions in different various locations across the United States - One in California probably the week of January 6, 2014. Also, two national webinars November 25 and December 16, 2013 co-chaired by US EPA, United States Department of Homeland Security, United States Department of Labor, with conference call capability

Recap Action Items

- No recap of today's action items. Last meetings action items are in the meeting packet – Exhibit 16

Future Meeting Dates

- Future meeting dates are listed in the meeting packet – Exhibit 17

Meeting Adjourned at 4:25pm.